

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARY PHILLIPA SLEDGE, MARY
JANE PIDGEON SLEDGE TRUST, and
PIDGEON SLEDGE FAMILY LIMITED
PARTNERSHIP,

Plaintiffs,

v.

Case No. 2:13-cv-2578-STA-cgc

INDICO SYSTEM RESOURCES, INC. and
CLEAL WATTS, III,

Defendants.

**MOTION FOR IMPOSITION OF A WITHDRAWAL NOTICE PERIOD AND
INCORPORATED MEMORANDUM IN SUPPORT**

By Order of this Court on April 6, 2015, this Court found good cause for Defendants' counsel to withdraw, but denied Defendants' Motion to Withdraw without prejudice to refile when Defendants retained new counsel. (D.E. 52.) Bruce McMullen, Lori Patterson, and Mary Wu of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC ("Baker Donelson") move this Court for an imposition of a withdrawal notice period by which Defendants must retain new counsel before Baker Donelson may withdraw as attorneys of record in this matter.

In support of this Motion, Baker Donelson states that without a certain date by which Defendants must retain counsel, Defendants are not incentivized and lack motivation to retain new counsel. The Order of this Court which allows Baker Donelson to withdraw only when Defendants have retained new counsel without imposing a deadline on Defendants to act

operates as a burden to Baker Donelson, as Defendants have not and continue to substantially fail to fulfill their obligations to Baker Donelson.

Courts have imposed a withdrawal notice period by which corporate defendants must find substitute counsel, or face the consequence of being an unrepresented corporate defendant. *See Woods v. K.C. Masterpiece*, 2006 WL 1875524, *1 (allowing Littler Mendelson, P.C. to withdraw after withdrawal notice period given to corporate defendant to find substitute counsel); *Top Sales, Inc. v. Designer Vans, Inc.*, 1997 WL 786254, *1 (N.D. Tex. Dec. 11, 1997). This Court should impose a notice period so Defendants are properly incentivized to find substitute counsel.

Baker Donelson states that an imposition of a withdrawal notice period by which Defendants must act is necessary for the reasons stated above. Additionally, the parties would not be prejudiced by a brief notice period; one primary concern of this Court in ruling on Defendants' Motion for Withdraw has already been alleviated through the cooperation of Plaintiffs' counsel. The depositions which had been previously scheduled have been moved to June 2015. Moreover, the discovery deadline in this matter is set for November 12, 2015. The trial of this matter has been set for May 15, 2016. Accordingly, the trial of this matter will not be delayed by brief withdrawal notice period set by this Court for Defendants to obtain new counsel.

WHEREFORE, PREMISES CONSIDERED, Defendants move this Court for an imposition of a withdrawal notice period by which Defendants must obtain new counsel and Baker Donelson is allowed to withdraw.

Respectfully Submitted,

BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, PC

/s Bruce McMullen

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Lori Patterson (# 19848)

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CERTIFICATE OF CONSULTATION

Bruce McMullen called Darrell Phillips regarding the relief requested in this Motion on April 13, 2015. Mr. Phillips advised that Plaintiffs do not support Baker Donelson's relief requested unless the results of Defendants' violation of a court-imposed withdrawal period by which to get counsel would result in sanctions as opposed to allowing Baker Donelson to withdraw.

/s Bruce McMullen

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of April, 2015, a copy of the foregoing was electronically filed and served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

Darrell N. Phillips
Pietrangelo Cook PLC
6410 Poplar Avenue, Suite 190
Memphis, TN 38119

Dr. Cleal Watts
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s/ Bruce McMullen
Bruce A. McMullen